

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ERIBERTO GALDAMEZ, *et al*,

Plaintiff,

v.

JOSEPH LOMBARDO, *et al*,

Defendant's.

Case No.: 2:15-cv-02098-RFB-VCF

**ORDER ACCEPTING REPORT &  
RECOMMENDATION**

Before the Court for consideration is the Report and Recommendation (ECF No. 3) of the Honorable V. Cam Ferenbach, United States Magistrate Judge, entered November 10, 2015.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct “any review,” *de novo* or otherwise, of the report and recommendations of a magistrate judge. Thomas v. Arn, 474 U.S. 140, 149 (1985).

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1 Pursuant to Local Rule IB 3-2(a), objections were due by November 27, 2015. No objections have  
2 been filed, and therefore the Court is not required to conduct any review of Judge Ferenbach's Report and  
3 Recommendation. However, the Court has conducted a *de novo* review of the record in this case and  
4 concurs with Judge Ferenbach's recommendation that the Court abstain from hearing Plaintiff Eriberto  
5 Galdamez's Complaint (ECF No. 4), as currently drafted, under the doctrine of Younger v. Harris, 401  
6 U.S. 37 (1971), and that Galdamez's Complaint be dismissed without prejudice.

7 However, the Court notes that on November 23, 2015, Galdamez filed a motion requesting  
8 additional time to amend his complaint to attempt to address the deficiencies identified by Judge Ferenbach.  
9 The Court grants Galdamez's motion for additional time. Galdamez shall have an additional 45 days to  
10 submit an Amended Complaint that addresses the errors discussed in the Report and Recommendation.

11 Because his Complaint is being dismissed, Galdamez's Motion for Preliminary Injunction (ECF  
12 No. 2) must therefore also be denied as moot. Galdamez may file a new motion along with his Amended  
13 Complaint if he chooses to do so.

14 Therefore,

15 **IT IS ORDERED** that the Report and Recommendation (ECF No. 3) is ACCEPTED and  
16 ADOPTED to the extent not inconsistent with this Order. Plaintiff Eriberto Galdamez's Complaint is  
17 DISMISSED WITHOUT PREJUDICE.

18 **IT IS FURTHER ORDERED** that Plaintiff Eriberto Galdamez shall have until May 31, 2016 to  
19 file an Amended Complaint that addresses the deficiencies identified by the Court in the Report and  
20 Recommendation. If Galdamez does not do so within this time, this case shall be closed.

21 **IT IS FURTHER ORDERED** that Plaintiff Eriberto Galdamez's Motion for Preliminary  
22 Injunction (ECF No. 2) is DENIED AS MOOT.

1       **IT IS FURTHER ORDERED** that the Clerk of Court shall mail a copy of the docket sheet in this  
2 case, along with a copy of the Complaint (ECF No. 4), a blank Civil Complaint Form with instructions,  
3 and this Order, to Plaintiff Eriberto Galdamez at the address listed on the docket.

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5       DATED: April 16, 2016.

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**RICHARD F. BOULWARE, II**  
**United States District Judge**